THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.17158 OF 2002

DATED 9.12.2005

Between:

Sreerama Seva Samajam (Hadav)

Regn. No.262/77, rep. by its President,

Palla Simhadri Rao,

S/o.Appalanarasaiah

Sreerama Mandiram, 56-3-1,

Gollakancharapalem,

Visakhapatnam,

Visakhapatnam District.

…Petitioners

And

The Municipal Corporation of Visakhapatnam

Rep. by its Commissioner, Visakhapatnam and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17158 OF 2002

ORDER:

Sreerama Seva Samajam, Visakhapatnam seeks a direction to the respondent Municipal Corporation of Visakhapatnam not to dispossess the petitioner from the land admeasuring 30 square yards situated in Ward No.40, Survey No.13 of Gollakancharapalem, Visakhapatnam city and also seeks a declaration that the action of the respondent in interfering with the possession of the petitioner is illegal and arbitrary.

It is the case of the petitioner that there was an ancestral well in ward No.40, Survey No.13 of Gollakancharapalem, Visakhapatnam in the land belonging to Gramakantam. The villagers started using the place on Krishnastami festival day and subsequently the deity of Lord Krishna was installed. A temporary structure/temple was also constructed by villagers. Subsequently, when the villagers wanted to construct pucca temple in the land in 1997, the officials of the respondent Corporation demolished the pillars raised for the construction of pucca temple. Therefore, one Rama Rao filed suit being O.S.No.3201 of 1999 on the file of the Court of the I Additional Junior Civil Judge, Visakhapatnam for permanent injunction. The said suit was dismissed on 03.05.2001 for default/non-prosecution. Again, the petitioner association while constructing the pucca temple, the respondent tried to interfere with the possession and also made attempts to dispossess the petitioner. Therefore, the present writ petition is filed.

This Court while admitting the writ petition on 09.09.2002 ordered *status quo.* Subsequently, by order dated 12.11.2002, this Court vacated the interim order giving liberty to the respondent Corporation to maintain road margins for the use of public and remove encroachments following due process of law.

It is submitted by the learned counsel for the petitioner that still regular pooja is being performed on Krishnastami festival day and the proposal to construct the temple is still being pursued. Therefore, without expressing any opinion on the right of the petitioner, the writ petition is disposed of in terms of the interim order dated 12.11.2002 giving liberty to Visakhapatnam Corporation to take appropriate action in accordance with law and maintain all the road margins for the use of the public.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

09.12.2005.

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